

#6/52
8/23/01

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, ON THE DATE INDICATED BELOW.



a. Kryszczuk

DATE:

8.14.01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application of : Group Art Unit: 1646
Sean A. McCarthy *et al.* :
Appln. No.: 09/333,159 : Examiner: Dong Jiang
Filed: June 14, 1999 : Confirmation No.: 3785
For: NOVEL GENES ENCODING PROTEINS : Attorney Docket
HAVING DIAGNOSTIC, PREVENTIVE, : No. **10147-6**
THERAPEUTIC, AND OTHER USES : (210147.0006)
: (MBIO99-030)

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RESPONSE TO RESTRICTION REQUIREMENT

This Response corresponds to the Restriction Requirement mailed on April 24, 2001 (Paper No. 5) in the patent application referenced above, and is timely filed in view of the enclosed Petition for a Three (3)-Months Extension of Time, extending the time available for response through August 24, 2001.

The Examiner requires restriction among Groups designated A-H. The Applicants elect **Group A (claims 1-7 and 12)**. This election is made without traverse.

The Examiner also requires restriction among Groups I-LXXXVIII. The Applicants elect the group corresponding to **SEQ ID NO: 45**, with traverse. The Group number corresponding to SEQ ID NO: 45 is not clear, since the Examiner has not specified which of Groups I-XVIII corresponds to which SEQ ID NO. The Applicants respectfully traverse the Examiner's separation of SEQ ID NOS: 45 and 46. SEQ ID NO: 45 is the nucleotide sequence of a cDNA that entirely contains SEQ ID NO: 46, which is the nucleotide sequence of the open reading frame (ORF) of the cDNA. Thus, a search corresponding to SEQ ID NO: 45 would necessarily include a search for the entirety of SEQ ID NO: 46 and will not unduly burden the Examiner. The Examiner is requested to recombine the Groups corresponding to SEQ ID NOS: 45 and 46.

A Preliminary Amendment which cancels non-elected claims and revises elected claims to delete non-elected subject matter (subject to the traversal described above) is enclosed.

Should the Examiner believe that this Response is defective in any way, he is requested to contact the Applicant's undersigned representative immediately.

Respectfully submitted,

SEAN A. McCARTHY *et al.*

August 14, 2001
(Date)

By:


GARY D. COLBY, Ph.D., J.D.

Registration No. 40,961

AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.

One Commerce Square

2005 Market Street - 22nd Floor

Philadelphia, PA 19103-7086

Telephone: 215-965-1200

Direct Dial: 215-965-1285

Facsimile: 215-965-1210

E-Mail: GColby@akingump.com

GDC:KML